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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3763 OF 2007

i) Sandeep Gulab Pashankar
ii) Gulab Maruti Pashankar
iii) Mrs.Manda Gulab Pashankar
iv) Rohidas Gulab Pasankar .. Applicants

versus

State of Maharashtra .. Respondent

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Mr.Pratap Singh for the applicant.

Mr.R.R. Mahagaonkar with Mrs.Kavita Chavan for respondent no.2.

Mr.D.P. Adsule, APP for the state.

CORAM : D.G.KARNIK, J

DATED : 06th December 2007

P.C.:

1. Heard learned counsel for the applicants and learned APP for the State and learned counsel for respondent no.2.

2. The applicants are seeking anticipatory bail in connection with crime registered against them under C.R.No. 385/07 with Nerul Police station, Navi Mumbai. The offence alleged is punishable under

section 498, 406, 312, 324 r/w sec.34 of the IPC.

3. The applicant no.1 is the husband of the complainant. Applicant nos.2 and 3 are the parents and applicant no.4 is the brother of respondent no.1. Marriage between applicant no.1 and complainant was celebrated on 2nd January 2005. A girl child was born to them on 6th September 2007. According to the complainant, four to five months after the marriage, applicant nos.2 and 3 started harassing her, stated that in the marriage her parents did not give enough goods and that the complainant was not doing proper household work. The complainant told this to her parents but they told her to wait for some time and consoled her by saying that everything would be alright after a child is born. The complainant therefore continued to suffer. However, on 5th November 2007 the applicant no.3 and her nephew assaulted the complainant with sticks. At that time, the complainant was having a young daughter with her. The newborn daughter also suffered injuries of beating. She therefore lodged an F.I.R. with the police on the same day.

4. On the next day, the complainant gave further statement that her gold ornaments were lying in the house of the applicants and they were not

returned. In pursuance of the second statement, the police searched the house and found some ornaments which were collected by the police and have since been returned to the complainant. Learned P.P. for the State submits that out of 25 tolas, only about 20 tolas of ornaments were recovered and the balance are yet to be recovered. Counsel for the complainant submits that the complainant has received back only about 6 to 7 tolas of ornaments.

5. After hearing the learned counsel for the applicants and the complainant and after perusing of the FIR as well as the statements recorded, it appears that there is a matrimonial dispute between the applicant no.1 and the complainant. The present complaint appears to be a fall out of that matrimonial dispute. In the F.I.R., no allegation was made regarding the withholding of the Streedhan ornaments. That allegation was made subsequently. When the police visited ornaments were found lying in the open cupboard in the house which prima facie indicates that there was no intention on the part of the applicants to grab the ornaments of the complainant. Ofcourse, there is some dispute regarding the weight of ornaments seized by the police. But that appears to be a civil dispute.

6. Taking an overall view of the matter and taking the nature of the complaint, I do not think that detention of the applicants is necessary for custodial interrogation. Learned APP has also stated that the matter can be settled between the parties. In the circumstances, the applicants can be granted conditional bail. Accordingly, I pass the following order :-

. In the event of the arrest of the applicants or any of them, each of them shall be released on personal bond of Rs.25,000/- with one local surety of the like amount subject to the following conditions :-

i) The applicants shall not threaten or pressurise the prosecution witnesses in any way and shall co-operate with the investigation (iii) The applicants shall attend the police station as and when summoned by the police.

. Application is disposed of accordingly.

(D.G. KARNIK, J)